

# EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL VELIZ, et al.,

No. C 03-1180-SBA

Plaintiffs,

**ORDER**

v.

[Docket Nos. 433, 445, 451, 460 & 474]

CINTAS CORPORATION, et al.,

Defendants.

---

In an Order dated May 2, 2005, this Court ordered the parties to meet and confer regarding which plaintiffs are required by their Employment Agreements to arbitrate and which are allowed to litigate, and to the extent such further meet and confer discussions did not result in a comprehensive stipulation on that subject, to make a further motion to this Court. In light of that meet and confer process the parties were to have agreed: a) which plaintiffs may litigate their claims before this Court, b) which plaintiffs' are required to arbitrate their claims, and c) which plaintiffs the parties are unable to agree fall in either of the above categories.

On June 3, 2005 Defendants filed a Motion to Dismiss As to Certain Opt-in Plaintiffs for Improper Venue, or In the Alternative, to Transfer for Improper Venue, or In the Alternative, to Transfer in the Interests of Justice and Convenience the following motions before this Court [Docket No. 433.] On June 6, 2005, Defendants also filed a Motion to Stay Proceedings Pursuant to 9 U.S.C. § 3 As to Certain Opt-in Plaintiffs Who Are Not Subject to the Court's April 5, 2004 Order {Docket No. 445.} On June 7, 2005 Plaintiffs filed a Motion Concerning Compliance With Court Orders Regarding Which Plaintiffs Must Arbitrate and Which Plaintiffs May Litigate Their Non-ERISA Overtime Wage Claims [Docket No. 451.]

1 On August 23, 2005, Plaintiffs filed a Motion for Leave to File Second Amended Complaint [Docket No.  
2 460.] On September 6, 2005, Defendants' filed Objections to and Motion to Strike Declaration of Steven  
3 Pepich Submitted in Support of Plaintiffs' "Motion in Compliance With Court" [Docket No. 474.] The  
4 parties have fully briefed all of the above motions, and oral arguments are scheduled to be held September  
5 27, 2005 at 1:00 p.m.

6 The Court hereby GRANTS Defendants' Objections to and Motion to Strike Declaration of Steven  
7 Pepich Submitted in Support of Plaintiffs' Motion in Compliance With Court Orders. In addition to lacking  
8 foundation, the declaration is indisputably rife with error and not properly relied upon. In light of the lack of  
9 clarity as to which plaintiffs the parties have reached agreement concerning whether they may proceed in  
10 arbitration or before this Court, the Court finds it would benefit from supplemental briefing.

11 Accordingly,

12 IT IS HEREBY ORDERED THAT the parties are to submit a Joint Stipulation identifying: a) which  
13 plaintiffs may litigate their claims before this Court, b) which plaintiffs are required to arbitrate their claims,  
14 and c) which plaintiffs the parties are unable to agree fall in either of the two categories. The Joint  
15 Stipulation must specifically reference plaintiffs by name, applicable Employment Agreement, and any other  
16 identifying information the parties believe would be helpful.

17 This Joint Stipulation is to be filed no later than September 29, 2005. The hearing on the  
18 remaining motions pending before this Court is continued from September 27, 2005 to October 18, 2005  
19 at 2:00 p.m.

20 IT IS FURTHER ORDERED THAT the Case Management Conference in this matter is continued  
21 from September 27, 2005 to October 18, 2005 to immediately follow the hearing on the above motions.

22  
23 IT IS SO ORDERED.

24  
25 Dated: 9-26-05



SAUNDRA BROWN ARMSTRONG  
United States District Judge